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Counsel to Creditor NGM Insurance Company

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY**

In re:

Assuncao Bros., Inc.

Debtor.

Chapter 11 (Subchapter V)

Case No. 22-16159 (CMG)

Judge Christine M. Gravelle

DECLARATION OF ELI CINQ-MARS

I, Eli Cinq-Mars, of full age, declare and states as follows:

1. I am Bond Claims Manager for Creditor, NGM Insurance Company ("NGM") and as such I am fully familiar with the facts set forth herein.

2. On August 3, 2022 ("Petition Date"), Assuncao Bros., Inc. ("Debtor") filed a voluntary petition of relief under chapter 11, subchapter V of the Bankruptcy Code in the United States Bankruptcy Court for the District of New Jersey ("Bankruptcy Court").

3. NGM is a surety who, prior to the Petition Date, issued certain performance and payment bonds ("Bonds") on behalf of the Debtor, as principal, including bonds for certain public

owner obligees/counterparties (“Bonded Contract Owners”),¹ arising out of certain public work contracts (“Bonded Contracts”), which Bonds relate to, and under which such Bonded Contracts the Debtor was performing (“Bonded Projects”), as of the Petition Date.

4. In order to induce NGM to issue the Bonds on behalf of the Debtor, the Debtor, as well as Martin Assuncao and Lisa Assuncao entered into agreements of indemnity in favor of NGM on or about July 20, 2012 and January 30, 2019 (“Indemnity Agreements”). A copy of the 2012 Indemnity Agreement is attached hereto as Exhibit “A” and a copy of the 2019 Indemnity Agreement is attached hereto as Exhibit “B.”

5. The Debtor has received and expects payments from Bonded Contract Owners on

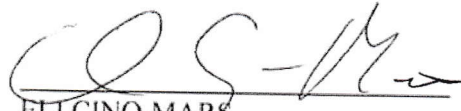
¹ Bonded Contract Owners and Bonded Contracts include, but are not necessarily limited to: 1) **the City of Jersey City, New Jersey** (Dr. Martin Luther King, Jr. Intersection Safety Improvements – Replacing Existing Curb Ramps with new ADA –compliant Concrete Ramps, Concrete Sidewalks & Curb Work, Providing Pedestrian Signal Upgrades, Resetting Castings [project includes 8 intersections along Dr. Martin Luther King Drive]) **and** (Replacement of County Bridge Contract # 20002); 2) **County of Somerset, New Jersey** (Maintenance Contract Repairs of Various Park Commission Structures) **and** 3) (Replacement of County Bridge Belle Mead-Blawenburg Rd (CR 601) over Back Brook, Township of Montgomery, Somerset County, Replace Bridge, Contract No. 19008); 4) **Township of Raritan** (Sunny Hills Section II Road Reconstruction Improvements, Raritan Township); 5) **Essex County, New Jersey** (Park Avenue – Nine Traffic Signals and Road Improvements in Cities of Orange, East Orange and Newark, New Jersey) **and** 6) (Provide Nine Traffic Signals and Roadway Improvements, Countywide Signals and Roadway Improvements); 7) **Township of Springfield** (Caldwell Place Culvert Repair); 8) **County of Ocean, New Jersey** (Construction of Traffic Signal at the Intersection of Prospect Street & Massachusetts Avenue – Township of Lakewood); 9) **Township of Monroe, New Jersey** (Intersection Improvements Spotswood, Gravel Hill & Machaponix/Pergola Avenue Road Improvements); 10) **County of Hunterdon, New Jersey** (Resurfacing & Drainage Improvements for County Route 616, Road Improvements in the Township of Franklin, County of Hunterdon); 11) **County of Somerset, New Jersey** (Replacement of County Bridge Contract #20002 Replacement of Bridge); 12) **Passaic County, New Jersey** (Replacement of the Kingsland Road Bridge over the Third River, within the City of Clifton); 13) **County of Middlesex, New Jersey** (Improvements to Intersection of Forsgate & Rossmoor, Monroe Township); 14) **Township of Piscataway, New Jersey** (Drake Lane Improvements Phase II); 15) **County of Monmouth, New Jersey** (Replacement of Bridge U-15 on Breza Road over Doctor’s Creek, Upper Freehold and Allentown); and 16) **County of Hudson, New Jersey** (Improvement to JFK Boulevard from Pavonia Road). NGM also issued a fringe benefits bond no. S-324394.

Bonded Contracts (“Bonded Contract Proceeds”), which constitute trust funds for the benefits of the Debtor’s laborers, subcontractors, suppliers and materialmen (“Trust Fund Beneficiaries”) on the Bonded Contracts, and for the benefit of NGM.

6. Attached hereto as composite Exhibit “C” are a copy of Shore Systems, L.L.C.’s letter to NGM dated July 26, 2022 (without enclosures), and a copy of Monmouth’s Pay Certification No. 4.

I declare under penalty of perjury that this Declaration is true and correct to the best of my knowledge.

Executed on: August 21, 2022


ELI CINQ-MARS
Manager, Bond Claims
NGM Insurance Company